REMARKS/ARGUMENTS

Claims 1-4 and 12-14 stand rejected under 35 U.S.C. 102(e) as being anticipated by Dassis (US 2002/002/0323 A1). It is submitted that, these claims as amended herein, are not anticipated or rendered obvious by the teachings of Dassis for the reasons set forth hereinafter.

Amended claims 1-4 and 12-14 all recite an exposed combustible strip formed of a non-explosive and non-pyrotechnic material secured to or formed as part of the exterior surface of the rocket motor case to burn and generate sufficient heat when exposed to predetermined external heat to weaken the adjacent portion of the case and effect rupture of the case to vent interior gases therein, prior to autoignition of the propellant or explosive in the case. In accordance with Applicant's new and improved invention, the combustible strip generates heat when combusted in the presence of air and external heat at a rate faster than the material of the rocket motor case. Accordingly, since the combustible strip is exposed and formed of a non-explosive and non-pyrotechnic material, it safely and reliably effects rupture of the rocket motor case to vent interior gases therein when exposed to predetermined external heat prior to autoignition of the propellant or explosive in the case.

In the device of Dassis, a pyrotechnic composition 6 is enclosed in a box 5 attached to the external face of the missile casing. The pyrotechnic composition, when fired, releases a large quantity of calories to degrade the mechanical properties of the adjacent portion of the casing. The ignition of the pyrotechnic composition 6 may be activated spontaneously or by an appropriate sensor of physical or chemical conditions.

First, Dassis fails to disclose or suggest an exposed combustible strip secured to or formed as part of the exterior surface of the rocket motor case, as recited in the amended claims.

Second, Dassis fails to disclose or suggest the combustible strip as being formed of a non-explosive and non-pyrotechnic material, as also recited in the amended claims. In the device of Dassis, the pyrotechnic composition 6 is enclosed in a box 5 attached to the external face of the casing 2. This is significantly different from Applicant's new and approved construction for preventing an explosion hazard when a rocket motor or ordnance device is subjected to external heat.

Accordingly, the amended claims 1-16 clearly are not anticipated or rendered obvious by the teachings of Dassis.

Claims 5-9 and 15 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Dassis in view of Vetter et al. (4,478,151). Other than the teaching of a plurality of thermite masses at spaced locations in the interior of a rocket motor pressure hull, Vetter et al. fails to supply the deficiencies of Dassis with respect to the novel limitations in the amended claims in the present application. Accordingly, amended Claims 5-9 and 15 are not rendered obvious by the combined teachings of Dassis and Vetter et al.

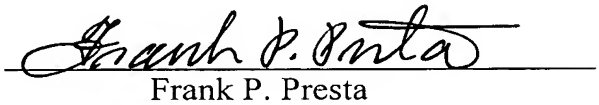
Claims 10 and 11 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Dassis in view of Henderson (H1047). Henderson was cited for its teaching of the use of metal or magnesium for a warhead component. Other than this teaching, Henderson fails to supply the deficiencies of Dassis with respect to the novel limitations to the amended claims in the present application. Accordingly, amended

claims 10 and 11 are not rendered obvious by the combined teachings of Dassis and Henderson.

In view of the above amendments and remarks, it is submitted that all of the amended claims 1- 17 in the present application are allowable to Applicant, and formal allowance thereof is earnestly solicited.

Respectfully submitted,

NIXON & VANDERHYE P.C.

By: 

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